

Frankie
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June 8, 2015

Federal Election Commission
Office of Complaints Examination
and Legal Administration
999 E Street, NW
Washington, DC 20436

Attention: Frankie Hampton, Paralegal

RE: MUR 6934

Ladies and Gentlemen:

I serve as counsel to Sanford B. Horwitz. The purpose of this correspondence is to respond, on behalf of Mr. Horwitz, to the correspondence of April 23, 2015 from Jeff S. Jordan, Assistant General Counsel, Office of Complaints Examination and Legal Administration of the Federal Election Commission (FEC). That correspondence stated that the FEC received a complaint that indicates Charlie Crist for Governor 2014 may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

Mr. Horwitz served as the treasurer of the 2014 gubernatorial campaign of Charlie Crist. Mr. Crist was defeated in his bid for election as Governor of the State of Florida at the November 4, 2014 general election. Annette Taddeo was Mr. Crist's Lieutenant Governor running mate in the 2014 campaign. Under Florida law, each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds.¹ Consistent with these state law requirements, the Charlie Crist Campaign filed its termination report on February 2, 2015.

The complaint, which was enclosed with the FEC's correspondence of April 23, 2015, alleged:

On April 6, 2015, an email communication was disseminated in which Taddeo publically (sic) declared her intention to run for Florida's Twentieth-Sixth Congressional District's seat in the 2016 election cycle. This email was sent from an account (info@charliecrist.com) owned and operated by Charlie Crist,

¹ See Section 106.141(1), Florida Statutes.

Democrat, for Governor, the official campaign for Charlie Crist's (sic) gubernatorial candidacy in the State of Florida in 2014 ("Crist Campaign"). The only logical conclusion is that the recipients of this email were the compiled email contacts from candidate Charlie Crist campaign list. The bottom of the email included a box stating, "PAID FOR AND APPROVED BY CHARLIE CRIST."

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With respect to the allegations of the complaint, it should first be noted that the email at issue was disseminated on April 6, 2015, two months after the termination report of the Charlie Crist Campaign was filed. Mr. Horwitz could not, and did not, make or authorize any expenditure on behalf the campaign to disseminate the subject email. Second, the domain name – charliecrist.com – belongs to Mr. Crist. It was initially registered January 5, 2004, updated on or about October 14, 2014, will expire on January 5, 2018. The account from where the email was disseminated belongs to Charlie Crist, not to the Charlie Crist Campaign. Third, the email was sent from Charlie Crist's personal server. Fourth, insofar as Charlie Crist has served as a State Senator, Commissioner of Education, Attorney General, Governor, and has been a candidate for the United States Senate, one cannot assume, as does the complainant, that Mr. Crist's email list was compiled from his 2014 gubernatorial campaign as alleged in the complaint. However, even if that were the case, under Florida law, property purchased or obtained with campaign funds or resources of a campaign which have a residual value may be retained by a candidate after the conclusion of the campaign as his or her personal property.² Finally, the disclaimer on the email was included in an effort by Mr. Crist to be transparent: namely, that the costs associated with the email, however nominal, were paid for by Mr. Crist and no one else.

Thus, Charlie Crist, as an individual, used his personal resources to send an email which advanced the candidacy of his friend and former running mate, Ms. Taddeo. No payment was made by Mr. Crist to any third party for the dissemination of the email. Such activity appears to be consistent with the provisions of 11 C.F.R. §§ 100.94 and 100.155. The disclaimer on the email does not appear to implicate the provisions of 11 C.F.R. §110.11, inasmuch as no disclaimer was required.

In summary, Charlie Crist for Governor 2014 did not pay for or otherwise authorize dissemination of any email relating to Ms. Taddeo's candidacy. The email at issue was sent by Mr. Crist utilizing his personal resources consistent with the FEC's regulations concerning internet activity by individuals. Accordingly, it is respectfully requested that the FEC close its file in this matter or otherwise dismiss the complaint.

I trust that the foregoing is responsive to the FEC's request for a response to the complaint. If the FEC has need for any additional information, please let me know.

Sincerely,

Mark Herron

Mark Herron

cc: Sanford B. Horwitz
Jeff R. Jordan, Assistant General Counsel

² See Division of Election Opinion DE 05-01.